

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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KRISTEN GIOVANNI, individually and  
as parent and natural guardian of V.G., a  
minor, and D.G., a minor,  
57 Poplar Road  
Warrington, Pennsylvania 18976

CHARLES GIOVANNI, individually and  
as parent and natural guardian of V.G., a  
minor, and D.G., a minor,  
57 Poplar Road  
Warrington, Pennsylvania 18976

ANTHONY GIOVANNI  
57 Poplar Road  
Warrington, Pennsylvania 18976

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
THE NAVY  
1000 Navy Pentagon  
Washington, D.C. 20350

Defendant.

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Civil Action No. \_\_\_\_\_  
(formerly State No. 2016-20600)

**NOTICE OF REMOVAL**

The United States of America, on behalf of the United States Department of the Navy, respectfully files this Notice of Removal of this case from the Court of Common Pleas of Montgomery County, Pennsylvania, for the following reasons:

1. On August 23, 2016, Plaintiffs Kristen and Charles Giovanni, individually and as parents and natural guardians of V.G., a minor, and D.G., a minor, and Plaintiff Anthony Giovanni ("Plaintiffs") filed a complaint for declaratory, injunctive, and other relief against the United States Department of the Navy ("Complaint") in the Court of Common Pleas of

Montgomery County, Pennsylvania, Case No. 2016-20600. A copy of the Complaint is attached hereto as Exhibit A.

2. A civil action brought in state court against any federal agency, including the Department of the Navy, may be removed to the federal district court for the district within which such state action is pending. 28 U.S.C. § 1442(a)(1). The Court of Common Pleas is in Montgomery County, which is within the Eastern District of Pennsylvania. 28 U.S.C. § 118(a). Therefore, the Complaint may be removed from the Court of Common Pleas to this Court.

3. The United States received a copy of the Complaint on August 24, 2016. Accordingly, this Notice of Removal is filed within 30 days of receipt of a copy of the initial pleading setting forth the claim for relief upon which this action is based, as required by 28 U.S.C. § 1446(b).

4. Copies of all process, pleadings, and orders filed in the Court of Common Pleas of Montgomery County, Pennsylvania, are attached to this Notice of Removal.

5. A copy of this Notice will be filed with the clerk of the Court of Common Pleas of Montgomery County, Pennsylvania, and sent to Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, the United States represents that it has complied with the removal statute, and, accordingly, this case stands removed from the Court of Common Pleas of Montgomery County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

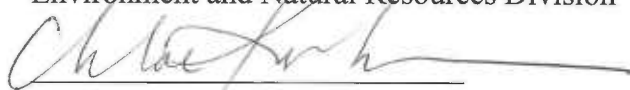
Dated: September 12, 2016

Respectfully submitted,

ZANE DAVID MEMEGER  
United States Attorney

Eastern District of Pennsylvania

JOHN C. CRUDEN  
Assistant Attorney General  
Environment and Natural Resources Division

A handwritten signature in cursive script, appearing to read "Chloe Kolman", written in dark ink over a horizontal line.

CHLOE H. KOLMAN  
Environmental Defense Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
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OF COUNSEL:

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Office of the General Counsel  
U.S. Department of the Navy  
720 Kennon Street SE  
Building 36, Room 233  
Washington, D.C. 20374

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of September, 2016, a true and correct copy of the foregoing Notice of Removal was served by first-class mail, postage prepaid, to:

MARK R. CUKER  
Williams Cuker Berezofsky LLC  
1515 Market Street, Suite 1300  
Philadelphia, PA 19102

*Attorney for Plaintiffs*

  
CHLOE H. KOLMAN